

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

<p>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</p> <hr/> <p>THIS DOCUMENT RELATES TO ALL CASES</p>	<p>Master File No. 2:12-MD-02327 MDL No. 2327</p> <p>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</p>
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**PRETRIAL ORDER # 110
(DOCKET CONTROL ORDER – *Bellew and Lehrer*)**

By PTO # 98, I chose the last 2 of 6 bellwether cases in this MDL. **As to these last two cases, *Dianne Bellew and Brenda Lehrer*, the following deadlines apply:**

1. *Plaintiffs' Expert Reports.* Plaintiffs shall serve expert reports by **July 7, 2014.**
2. *Defendants' Expert Reports/Rebuttal Expert Reports.* Defendants shall serve expert reports by **August 6, 2014.** Plaintiffs shall serve any rebuttal expert reports by **August 13, 2014.**
3. *Expert Discovery.* Expert Discovery for the *Bellew and Lehrer* bellwether cases, including the deposition of any rebuttal experts, shall be completed by **September 12, 2014.**
4. *Case-Specific Discovery.* Discovery on the *Bellew and Lehrer* bellwether cases shall be completed by **September 5, 2014.**

5. *Motion Practice.*

a. Daubert Motions and Non-Daubert based Dispositive Motions shall be filed by **September 19, 2014**. Response briefs shall be filed by **October 3, 2014**.

Reply briefs shall be filed by **October 10, 2014**.

b. Daubert based dispositive motions and motions in limine shall be filed by **October 24, 2014**. Response briefs shall be filed by **October 31, 2014**.

Motions in Limine are limited to 3 pages each, responses are limited to 2 pages each.

c. Dates for summary judgment and *Daubert* hearings, if any, will be set at an upcoming status conference.

d. Local Rule of Civil Procedure 7.1(a)(2) applies regarding the page limits on memoranda in support of dispositive motions as well as responses and replies.

The court will not be inclined to grant motions to exceed the page limit. The court requests that the parties abide by Local Civil Rule 7.1(a)(5) regarding courtesy copies.

e. The parties may file placeholder exhibits for documents with potential sealing issues. However, within five days of filing, the party who filed the at-issue exhibits must either file the appropriate motion to seal or file a motion with the at-issue exhibits (dedesignated or redacted) attached asking that the court direct the Clerk to replace the placeholder exhibits with the attached exhibits.

6. *Pretrial and Final Settlement Conferences.* The Court shall conduct a pretrial Conference on **October 30, 2014, at 10:00 a.m.** and will notify the parties as to the date of a final settlement conference.

7. *Designation of counsel:* By **October 23, 2014**, Plaintiffs shall designate counsel authorized to meet and confer with Defendants' counsel, and to bind Plaintiffs by his/her agreement, on matters related to the conduct of the trial including the resolution of deposition designations.

8. *Deposition Designations.* Deposition designations shall be filed by **October 24, 2014**. The designations shall specifically identify exhibits to be offered through the deposition testimony. Any objections to an opposing party's designations and the accompanying exhibits, and any counterdesignations and accompanying exhibits, shall be filed by **November 7, 2014**. Any objections to the counter-designations and exhibits, and any counter-designations to an opposing party's counterdesignations, shall be filed by **November 14, 2014**. **No additional testimony may be designated after November 14, 2014 absent leave of Court.** The parties shall meet and confer no later than **November 21, 2014** to resolve objections to testimony and exhibits and to resolve any proposed redactions to exhibits. Any unresolved objections shall be presented to the Court for resolution at a hearing to be held **November 25, 2014**. The parties consent to the determination of the objections by the Magistrate Judge.

9. *Exhibit and Witness Lists.* The parties will exchange exhibit and witness lists by **October 24, 2014**. Any objections to an opposing party's exhibits and witness list shall be filed by **November 14, 2014**.

10. The parties shall file a proposed integrated pretrial order pursuant to Fed. R. Civ. P. 16 three days prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).

11. The parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **November 21, 2014**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.

12. *Trial.* The *Bellew* trial as identified in PTO # 98 shall commence on **December 4, 2014**. In the event the *Bellew* case has settled or is otherwise not ready for trial, the *Lehrer* case will proceed to trial instead.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and **in the following cases:** 2:13-cv-22473 and 2:12-cv-08157 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:14-cv-12261. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by

the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: March 14, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE